

PHILLIP A. TALBERT  
Acting United States Attorney  
ADRIAN T. KINSELLA  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

NATHANIEL OPOONDO HUBBERT,

Defendant.

CASE NO. 2:20-CR-00123-JAM-2

**STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER**

DATE: October 19, 2021

TIME: 9:30 a.m.

COURT: Hon. John A. Mendez

## **STIPULATION**

1. By previous order, this matter was set for a status conference on October 19, 2021.

2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference  
December 14, 2021 at 9:30 AM, and to exclude time between October 19, 2021, and December 14,  
under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes over eight gigabytes of evidence in electronic form, including police reports, pictures, multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone report, and criminal history documents. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for Mr. Hubbert desires additional time to gather additional criminal

1 history documents, consult with her client, conduct further review of her client's criminal  
2 history, conduct interviews and prepare evidence in mitigation, discuss potential resolutions with  
3 her client, and otherwise prepare for trial.

4 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested  
5 continuance would deny her the reasonable time necessary for effective preparation, taking into  
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of October 19, 2021 to December 14,  
13 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4       IT IS SO STIPULATED.

5       Dated: October 14, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

7       \_\_\_\_\_  
8       /s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

9       Dated: October 14, 2021

10      \_\_\_\_\_  
11      /s/ KRESTA DALY  
KRESTA DALY  
Counsel for Defendant  
NATHANIEL OPONDO HUBBERT

12                   **FINDINGS AND ORDER**

13          IT IS SO FOUND AND ORDERED this 14<sup>th</sup> day of October, 2021.

15                   \_\_\_\_\_  
16                   /s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE